

California Regional Water Quality Control Board
Santa Ana Region

April 15, 2005

STAFF REPORT

ITEM: 13

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Mr. & Mrs. Seiler, 16133 Saddle Crest Place, Riverside, Riverside County, APN 245-380-014

DISCUSSION:

On March 18, 2005, Kevin Frazer of Frazer Construction Company, acting on behalf of Mr. & Mrs. Seiler, submitted a request for approval for the use of a second septic tank-subsurface disposal system at the above-referenced site. Mr. & Mrs. Seiler reside in a house located at the site. An existing subsurface disposal system is utilized for the discharge of sanitary wastes from the house. The property is just over one-half acre in size (34,412-sq. ft. or 0.79 acre net). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of sanitary wastes.

Mr. & Mrs. Seiler propose to convert an attached garage into a master bedroom with full bathroom (including toilet, sink and bathtub). A second septic tank-subsurface disposal system is proposed to serve the proposed bedroom/bath addition.

On October 13, 1989, the Regional Board adopted a Basin Plan amendment that requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region. The property is over one-half acre and use of the existing subsurface disposal system meets the minimum lot size requirements. However, the proposed addition of a second subsurface disposal system does not conform to these requirements. Accordingly, Board staff denied Mr. & Mrs. Seiler's request for approval for the use of the second septic tank. Mr. & Mrs. Seiler seek Regional Board consideration of this matter.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs address these circumstances. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs, provided that the existing septic system can accommodate the additional wastewater flows. The MLSRs also specify that replacement of an existing septic tank system to accommodate additional flows resulting from additions to existing dwellings is exempt from the minimum lot size requirement. However, the addition of a second septic tank to accommodate such additional flows is not exempt from the MLSRs. The minimum lot size exemption criteria are based on the premise that the proposed addition of a second septic system would be necessitated only by the proposed addition of a

freestanding structure, rather than additions to existing dwellings. The Regional Board did not exempt the addition of a second system based on concerns that use of the presumed freestanding structure and the second septic system could result, over the long-term, in the addition of substantial wastewater flows beyond those resulting from additions to existing dwellings. The Seiler's addition will not result in a freestanding structure; however, they are proposing the installation of a second septic system. Mr. & Mrs. Seiler point out that the additional flows that would occur as a result of the garage conversion/room addition would be no greater than those that would be allowed had the existing septic tank been replaced to accommodate them.

RECOMMENDATION:

Approve Mr. & Mrs. Seiler's request for an exemption from the minimum lot size requirements for the use of a second septic system.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
Riverside County Environmental Health – Sam Martinez
Riverside County Building and Safety – Steve Dondalski
Fraser Construction Company – Kevin Frazer